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Leffmann, Henry

The states-rights fetish

[Philadelphia?]

1913

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The States Rights Fetish

A Plea for Real
Nationalism

Leffmann

308

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Box 109

The States-Rights Fetish

A Plea for
Real Nationalism

By
Henry Leffmann, A.M., M.D.
Member of the Democratic Club of Philadelphia
Single-Taxer

1913

TO THE MEMORY OF
THE FEDERALISTS,
WHO IN THE FORMATIV PERIOD
OF THE NATION
DID ALL THEY COULD TO SECURE A REAL UNION

JUNE 11, 1933 A.E.

Preface

Many years ago, I was, like most yung Americans, a member of a debating society. I delivered an address "On the Advisability of Abolishing all State Governments." Tho I was applauded, no one of the audience supported my views. Some years later, by request, I repeated the address, and found one supporter. I exprest my satisfaction, saying that as my party had doubled its strength in a short time, its ultimate victory was assured. I do not dout that if I was to deliver the address before the same audience now, I would find much more support. I hav long had the notion of putting my views in print and hav now done so.

Eminent Americans hav written lately on the new freedom and the new nationalism; the present essay is a protest against the "crazy quilt" system of government that has so long afflicted the United States. *E pluribus unum*; Amen.

H. L.

1913

INTRODUCTION

Six score and seventeen years ago, the representatives of thirteen colonies independent of one another in their political systems, in many ways rivals in commerce and trade, but closely allied in language, racial origins and social customs, bound themselves by a document, prepared, ratified and published in a formal and solemn manner, to mutual support in a struggle against the authority of what was considered by all as the Mother Country. This document contained declarations concerning principles of government, that were then regarded as novel and radical. A careful study of history informs us that the Declaration of Independence is a re-statement of political dogmas of high antiquity, but that fact does not detract from the merit of those who prepared and ratified it. Its leading motive, the equality of all men as individuals, and therefore the dependence of government on the consent of the governed, established a basis for organization when the struggle had ended in the destruction of the authority

of England. It is conceded, however, by all who have compared the Declaration with the Constitution, that the latter is a retreat from the radicalism of the former. When it became necessary to "form a more perfect union," the "glittering and sounding generalities of natural right" could not alone suffice.

The close of the rebellion found the thirteen states deeply in debt. The issues were, in the last analysis, essentially those of the middle class, and as far as control was exercised by any group it was by this class. The ministerial army had withdrawn; the traitors to the King were in full possession. As the war had been successful, it is known in history as a revolution and its supporters as patriots. The terms are merely conventional. Had the effort failed it would have doubtless been described in English textbooks of history as the American Rebellion, the heads of Washington, Jefferson and Franklin might have adorned pikes on State-House roof, as a warning to restive colonists, and Benedict Arnold and Joseph Gallows have got back the lands taken from them when attainted of treason.

The close of the Revolutionary War presents one unusual feature, the unselfishness of the great commander, who promptly withdrew from his

office and, exacting no conditions, returned to a private station, to busy himself with plans for advancing the prosperity of the country, and welding its interests in more harmonious association. His action finds few counterparts in history, for from Cincinnatus to Washington, most leaders of successful wars have secured for themselves power and dominion.

Popular narratives of the revolutionary period give inaccurate views of the state of public opinion and of the causes of the uprising. The theory that "taxation without representation" was the mainspring is without foundation. Nor was independence a primary motive. In the early 70's, no wish for separation from the Mother Country was in the minds of the mass of the people, and positive expressions against such separation can be found in the letters of some of those who afterwards became leaders in the rebellion. This spirit of loyalty to Great Britain was not wholly dictated by patriotism or "ties of blood." The colonists were deeply conscious of the fact that other European powers were contesting with Great Britain for supremacy of the seas and extension of territory, and that deprived of the protection of the Mother Country, they would soon fall a prey to France or Spain. Such conquest would be more than a mere

change of masters. To the English, Dutch, Scandinavian and German colonists, the idea of control by a Latin race, with its low standard of sexual principles, its oppressiv, unscrupulus, political methods and its bigotry in religion, was terrifying, and they preferred to bear the ills they had than fly to others that wer worse.

Events, great or little, in history ar not the outcome of conditions immediately preceding them, but of a long course of prior occurrences. Nor do those who take part in the events control the course or outcome of them entirely. The beginnings of the American Revolution can be traced back to the earliest period of English history. Those who promoted it in its beginnings did not foresee the deep consequences of their work, no more than the people of the United States foresaw the outcome of the Spanish-American war, which, promoted by the capitalistic class, resulted in giving us the Philippines which the capitalists did not want and releasing Cuba, which they intended to get.

The colonies were forced into nominal union by the course of events between 1775 and 1781, and when peace, with independence, was obtained, it was evident that this independence was not assured unless the union could be made more firm.

The articles of confederation that went into

effect in 1781 mark in some ways the acme of States-rights theories. They provided for a congress, each state having but one vote and the affirmativ vote of nine states was required for all important actions. No executiv head was appointed; the utmost power given in this regard was the appointment of an executiv committee to sit when the congress was not in session. Unless nine states agreed, congress could not declare war, make treaties, coin money, make appropriations, appoint a commander-in-chief or even determin on the sums of money that it would request from the states. ("The American Nation" series, vol. 10, p. 48.)

These provisions gave constant dissatisfaction, as would be expected by any one familiar with the history of government and its fundamental principles. In all the discussions, we see the local colonial pride and exaggerated notions as to the relations of the state government to personal liberty. Even Jefferson was caught by the glamor of state-rights, and as late as 1801, in his first inaugural address, spoke of "The support of the State governments in all their rights as the most competent administration of our domestic concerns and the surest bulwarks against anti-republican tendencies." Hamilton stands out as a man of clearer

mind on this question, but he had few supporters. Washington, tho not lacking in state pride, was able to rise above the petty interests of locality, and writing to John Jay, under date of Mar. 10, 1787, concerning the prospect for a closer union of states and an increase in federal authority, says (*Jay Correspondence*, 3) "My opinion is that this country has yet to *feel* and *see* a little more before it can be accomplisht. A thirst for power, and the bantling—I had like to have said MONSTER—Soverenty, which have taken such fast hold of the States, individually, will when joined by the many whose personal consequence in the line of State politics wil in a manner be annihilated, form a strong phalanx against it, and, when to these, the few who can hold posts of honor or profit in the National Government, ar compared with the many who wil see but little prospect of being noticed, and the discontents of others who may look for appointments, the opposition would be altogether irresistible, til the mass as wel as the more discerning part of the community shal see the necessity."

The force of decentralization in the colonies is shown even in rivalries between different parts of states. Thus, when after the conclusion of peace with Great Britain, Washington took up actively

the promotion of the company which was to develop the slack-water system of navigating the Potomac River, he found that to get the support of the Virginia legislature it was necessary to favor also a company for the improvment of the James River, that is, the inhabitants, at least the middle-class portion, of the southern part of the state wer so little interested in the improvment of the northern part that the "pork-barrel" method so wel known in modern legislation had to be applied. Washington took but little interest in the James River company; he was offered the presidency of it but declined. By special act of the Virginia legislature he was given a large block of stock in it, and his letter accepting this, sent in reply to one from Benjamin Harrison, then Governor of Virginia, is still excellent reading. As fate would hav it, the Potomac company to which Washington gave so much thought and energy was a financial failure, while the James River venture became a success, and his shares, which he left by wil for educational purposes, became valuable.

That jealousies should arise between different parts of the same state is merely a result of the principle by which the states themselves hav been founded. The initial settlements along the Atlantic coast were not made with any co-ordination.

No careful adjustment of boundaries was made by the original settlers. The grants of land by European rulers were often mere paper assignments. When by the increase of population, the settlements were extended beyond the original foci, conflicting claims of jurisdiction began to appear, Connecticut claimed a large part of the territory now included in Pennsylvania; Lord Baltimore claimed for his colony a large portion of Delaware and southern Pennsylvania, and had it not been for the accident that a colony of Europeans had settled in Delaware, before the grant was made to him, Philadelphia would have been included within the boundaries of Maryland and would be a southern city. It is not necessary to set forth at length these disputes. The division of state lines in the territory outside of the area included in the thirteen colonies has been made as a rule with equal want of system, a stake stuck in a prairie being considered sufficient for a boundary, and divisions of large areas determined not by geographic, economic or sociologic considerations, but by the desire of politicians for the multiplication of offices. The establishment of a new state makes opportunities for men to secure such lucrative offices as governor, congressman, and membership in two legislative houses, for, of course, each state must

have the bi-cameral system. This, like state sovereignty, is held to be one of the bulwarks of our liberty. Often, as in the case of Pennsylvania, liberty is supposed to be secured by a very numerous membership in both houses, a dogma which inures to the advantage of office-seekers, but to no other persons in the community.

Products of unsystematic, hap-hazard development, existing state lines, especially in the eastern United States, cause the most exasperating confusions of jurisdiction, separating communities that are by all other conditions interdependent, and placing under the same jurisdiction communities that have no common local interest and are even, in some cases, rivals. Thus Camden, N. J., is, in all its social and business relations, a part of Philadelphia; Jersey City is a part of New York; Pittsburgh and, indeed, the whole of Pennsylvania west of the Alleghenies, have no common interest with the cities on the Delaware and Susquehanna; north eastern Pennsylvania, with Scranton as its focus, is affiliated with New York, the lines of transportation to tide-water at that city being direct, while to the Delaware and Susquehanna water-routes the transportation is indirect. Buffalo has little community of interest with southeastern New York. New Mexico and Arizona refused to join; West

Virginia was carved out of Virginia, but the inhabitants who constituted the new state, would probably almost unanimously have refused to be absorbed into either Ohio or Pennsylvania, although these adjacent states were both strongly devoted to the northern cause, and it was for devotion to that cause that the section now constituting West Virginia was torn from the original jurisdiction.

If we read the documents contemporary with the period from the close of the revolution to the adoption of the Constitution, we are deeply impressed with the difficulties that the founders of the United States encountered and the patience, ingenuity and foresight that they brought into play in overcoming absurd, selfish and unreasoning opposition. That they left some profound problems, such as the extension of slavery, unsettled, should not astonish us; our astonishment should be that they accomplished so much. Apparently nothing but dire necessity arising out of the confusion of the so-called "confederation" compelled the people of the colonies to accept the suggestion of a convention for forming a more definite compact. When the really wonderful document was about ready to be presented to the people, one of the principal states (N. Y.) withdrew from official connection with the convention, leaving Alexander Hamilton

alone as a supporter from a district which was destined to acquire and deserve the title of the "Empire State." Rhode Island declined even to enter the convention. In many of the states the adoption of the new constitution was opposed with great bitterness, some of those who had been delegates using their best efforts to prevent its acceptance by the states that they had represented. By narrow majorities in several cases was the "more perfect union" formed, and to this day no unanimity exists among the people of the nation as to whether the union is a mere compact between sovereign states or a complete fusion of the people into one nation. The appeal to arms in 1860 is often quoted by enthusiastic nationalists as having settled the matter, but this is not so. An appeal to arms, unless it results in the extermination of one party, settles nothing forever. The Irish Home Rule issue is as much alive today as it was when England first entered upon the line of conquest in that island; Alsace and Lorraine are still cherishing the hope of re-union to France, and France is only deterred from the effort to retake them by the uncertainty of the outcome. The United States has taken possession of the Philippines, but it has not taken possession of the Filipinos, who still cherish the hope of freedom, and regard the conquering

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nation as an interloper, tho that nation regards itself as a beneficent protector.

✓ In discussing the causes of any series of events, we may conveniently adopt a classification much used by doctors, and speak of predisposing and exciting causes. The predisposing causes of the framing and adoption of the Constitution of the United States must be sought thruout the preceding centuries; one of the exciting causes may possibly be found in an interstate agreement, due largely to Washington's initiativ. The military and political fame of this leader has overshadowed his merits as a far-seeing economist. Great as was his devotion to the revolutionary cause, and to his duties as president of the new republic; he never forgot that the best bond of union between the colonies would be economic interdependence. His experiences in early life as surveyor for Lord Fairfax in north-western Virginia, and as an offiser in the military operations in the '50's, made clear to him that unless the territory watered by the Ohio and its tributaries could be opened to the Atlantic ports by some efficient method of transportation, the people who would soon occupy that region would lose their interest and with it their allegiance to the original colonies; states lukewarm or even hostile to the coast settlements would arise and the in-

fluences of France and Spain would be dominant in the Mississippi valley. Prevented for seven years by his duties as commander-in-chief from giving any systematic consideration to plans for such communication, he began to urge them as soon as he had relinquisht his command. His plan involved, as has been noted above, a slack-water system on the Potomac, and to this the consent of Maryland as well as Virginia was needed. After some opposition an agreement was secured; the pourparlers incident to its accomplishment led to suggestions to include Pennsylvania and Delaware. This broadning of interstate comity helpt to popularize the more extended efforts to secure a general convention to frame a stronger union.

Enuf of the debates in the Federal Convention, and in the conventions of the several states cald to ratify the Constitution, hav been preservd to enable us to appreciate the intensity of the antagonism to federation and the main causes of this feeling. As in all such conflicts, many of the most intense conservativs wer actuated by a commendable motiv, believing that a union of soveren states, retaining as much as possible of original powers and privileges, would secure the greatest liberty and happiness. Each state had an individual history of more or less dramatic type, especially in

the early period, and, while the general racial, religious and social characters were much the same throughout the land, differences existed to a degree sufficient to develop a sort of tribal ethics, by which those not of the state were regarded as natural rivals. This feeling, of course, intensified the loyalty to the state and diminished that to the nation. Massachusetts had been settled largely by English non-conformists fleeing from Anglican persecution; Pennsylvania by Quakers, against whom the hand of every other Christian sect was held in hostility; Maryland largely by Roman Catholics, likewise fleeing from persecution.

The sincere and disinterested opponents of federation were probably in small proportion. Most of the anti-federalists were actuated by selfish considerations, such as the hope of office, local advantages in interstate commerce, and, incidentally, opportunities to issue paper money and escape from taxation for payment of the public debt.

We may glean a good deal of information as to what led men to favor or oppose ratification by noting the districts in which majorities for either side were given. Almost everywhere, the cities and large towns were federalist, the outlying, sparsely settled and lumbering regions, antifederalist.

The extent to which economic determination

operated on the minds of the people is well shown in a letter from Timothy Pickens, who represented the Luzerne district in the Pennsylvania Convention of 1787, and who was a stalwart federalist. Under date of Dec. 26, 1787, he said: "Much opposition is expected in New York. That State has long been acting a disingenuous part. They refused the impost to Congress because half of New Jersey, a great part of Connecticut, the western part of Massachusetts and Vermont received their imports through New York, who puts into her own treasury all the duties." In apportioning the causes, a large share must be given to the desire to prevent the diminution of offices. This is one of the most common and most persistent causes of antagonism to political reforms. It stands in the way of every simplification of public and private business, great and small. As it interfered with the formation of a "more perfect union," so it has multiplied state governments unnecessarily, until now nearly fifty commonwealths constitute the United States and the same spirit prevents the consolidation of districts that should be under one administration. A local, but striking, example was the opposition in the middle of the last century to the consolidation of the twenty-nine separate jurisdictions contained within

the boundary of Philadelphia County, of a total area of less than 139 square miles. The "fetish" of decentralization was vividly shown in the speech of a democrat in the Pennsylvania legislature when the bill was under discussion. He held that the movement for consolidation is the first step to centralization and imperialism. If the different jurisdictions of Philadelphia county are welded into one municipality, the next step will be the obliteration of county lines, then of state lines and then the overthrow of republican government. X Such nonsensical utterances delayed for many years the advancement of Philadelphia. Of course, the actual motive was in most cases the desire of every "petty, pelting officer" to hold his job.

It is interesting to note that while the larger states were mostly tardy in ratifying the constitution and accomplished it only by narrow margins, some of the smaller states were prompt and unanimous. Delaware was the first to ratify; on the 7th of December, less than three months after the document was finished by the convention. New Jersey was also early and unanimous. These states had everything to gain by the provisions that gave them equal representation in the Senate and protected their interstate commerce. Lying between two great states, the respective principal

cities of which were already beginning to show signs of great industrial and commercial power, the inhabitants of New Jersey, although not entirely satisfied with the plan, saw that if it was not adopted, the anarchical conditions of the old federation or even worse would be maintained.

In spite of many forms of antagonism, the twelve states that had met in convention ratified the Constitution and the United States was established. Rhode Island came in later, and the thirteen that had published the great Declaration were in one union. Disputes as to the conditions of that union and as to the powers of the general government, began at once. By its very nature and responsibilities, the federal government was obliged to assert its authority in all cases in which the Constitution did not explicitly forbid. The controlling elements were mainly federalistic, although by no means intensely so. The President, Vice-President, Secretary of the Treasury and Chief Justice were all inclined to the federal side. An early case, *Chisholm vs. Georgia*, was passed upon by the Supreme Court with one dissenting vote (out of 6) in such a way as to show that under the interpretation given by the Court, state sovereignty would be a mere name. The antifederalists took alarm, and an amendment was made to the Con-

stitution rendering invalid the doctrine that the Court promulgated.

It would be tiresome to follow the course of events during the first half-century of the Republic that bear on the struggle between the centralizing and decentralizing tendencies. The former received a serious check when Jefferson reached the presidency. Through the first quarter of the 19th century many threats of secession were made, but, as is well known, it was in 1832 that South Carolina made formal declaration of its intention to resist the enforcement of a federal law, and President Jackson was obliged to proclaim his intention of using the national forces. The issues remained sources of irritation for about a quarter of a century longer, and then found intense expression in what is termed, according to the prejudice of the speaker, a rebellion or a civil war, but which is only correctly entitled as the "war between the states." As this war is the most serious stress through which the nation has passed, and as its origin and course were very largely determined by the doctrines of state sovereignty that had taken deep root in the nation, the introductory portion of this book may be aptly closed here and some of the disadvantages of state sovereignty as understood in the United States pointed out.

BALEFUL EFFECTS OF JEFFERSONIAN THEORIES

THE WAR BETWEEN THE STATES

I say "Jeffersonian" theories, for although many prominent Americans, under the spell of the fetish, believed that state sovereignty was necessary to the preservation of personal liberty, Jefferson's accession to the Presidency afforded opportunities for impressing on the new Republic systems of administration that tended strongly to accentuate such views and diminish the federalizing movement. Jefferson's successors, for several terms, were of like mind and, to use a banal expression, it was the irony of fate that Jackson should be the one upon whom lay the duty of first asserting the supremacy of a national law over a state law framed especially in an atmosphere of state sovereignty. As his expressions are eminently federalistic in tone, it may be well to quote a paragraph (*Proclamation*, Dec. 10, 1832; Richardson's *Mess. & Papers of Pres.*, Vol. 2, p. 643):

"I consider, then, the power to annul a law of

the United States, assumed by one State, incompatible with the existence of the Union, contradicted especially by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded and destructive of the great object for which it was formed."

The whole proclamation is worth reading as a statement of the incongruity of state sovereignty and national existence.

The action of South Carolina was due to the passage of a tariff law that an agricultural community could not find otherwise than burdensome. The labor in the state was almost entirely by chattel-slaves; wage-slavery was quite unimportant. No labor-union problem could arise there; orators could make no appeal to the necessity of a tariff for protecting workmen from competition with the pauper labor of Europe. Altho, therefore, it is true that the exciting cause was a difference on the propriety of a taxation system, the predisposing cause was slavery, and the philosophic historian will find in the nullification incident in 1832, the prodrome of the war between the states.

The framers of the Constitution did not meet the slavery issue squarely, but they must not be blamed for this. It is apparent, on reading the debates in the Convention of 1787, that union would

have been impossible if the abolition of slavery, or even the immediate suppression of the slave-trade, had been carried. Nor were the slave states entirely responsible for this attitude. New England and Middle States communities benefitted by the trade and were unwilling to lose its profits. In fact, in spite of the prohibition of it in 1808, secret importation of slaves from Africa, and through interstate commerce, continued until the outbreak of the war, which destroyed the market for them. (Dubois, *Suppression of the Slave-Trade*.)

Some of the members of the Convention doubtless believed that the question would settle itself through the evolution of labor conditions. Ellsworth, of Connecticut, said "Let us not intermeddle. As the population increases, poor laborers will be so plenty as to render slaves useless." This result might have been attained much earlier than it was if the cotton-gin had not been invented.

The compromise by which the slave-trade was continued for twenty years after the adoption of the Constitution was due largely to New Hampshire, Massachusetts and Connecticut, the delegates from which gave their consent to the provision in consideration of the removal from the document of all restriction on Congress to enact navigation laws (Wilson, *Rise and Fall of the Slave-*

Power). The extension of the frontier made the issues much more intense. The southern capitalists insisted on establishing slavery in the territories, and after many compromises, the election of Lincoln made evident the essential unity of the North or, at least, its effective unity against such extension. South Carolina took the initiative, and even the most intense unionist, if a "true sport," cannot but admire the manner in which the State proceeded. It simply repealed the ordinance by which it had accepted the Constitution in 1788. Other states acted promptly, and before Lincoln's administration was six months old a new compact had been formed and the nation was ablaze with war. Nothing is more certain than that the extent and rapidity of secession were promoted by the existence of separate states with all the attributes of sovereignty, such as executive officers, legislatures, powers of internal taxation, militia organization, and, perhaps the most powerful of all, consciousness of state loyalty, fostered through many years of Democratic administration, a legacy from Jeffersonian theories.

From its inception to its close, the slavery question was economic in every practical aspect. The arguments drawn from the Bible and from other less important sources, by which the capitalistic

exploiters of slavery and their henchmen tried to justify it as a system founded in morals, ethics or religion, were mere dust-clouds concealing the true issues. Three years before the battle of Lexington, the Virginia House of Burgesses unanimously petitioned the King to put an end to the slave-trade in the colonies, basing their action not on "higher law" or "natural rights," but on the economic dangers of the system. Witness the language (text from article by R. L. Brock, Va. Hist. Soc., n. s. 6):

"The many instances of your majesty's benevolent attention and most gracious disposition to promote the prosperity and happiness of your subjects in the colonies, encourage us to look up to the throne and implore your Majesty's paternal assistance in averting a calamity of a most alarming nature. The importation of slaves into the colonies has long been considered as a trade of great inhumanity, and under its present encouragement we have reason to fear will endanger the very existence of your Majesty's dominions. We are sensible that some of your Majesty's subjects in Great Britain may reap emoluments from this sort of traffic, but when we consider that it greatly retards the settlement of the colonies with more useful inhabitants, and may in time have the most

destructiv influence, we presume to hope that the interests of the few will be disregarded when placed in competition with the security and happiness of such numbers of your Majesty's dutiful and loyal subjects. Deeply imprest with these sentiments, we most humbly beseech your Majesty to remove all these restrictions on your Majesty's Governors of this colony which inhibit their assenting to such laws as might chec so pernicious a commerce."

Tho not germain to the subject under discussion, I cannot refrain from a few *obiter dicta* on the professions of humility and loyalty in this petition. Those of us who hav been born and reared under the Republic cannot appreciate the abject attitude of members of the House of Burgesses who framed it, and who undoutedly, in its literary form as wel as in its doctrin, exprest the sentiments of the great mass of the people of Virginia. This is, however, the normal state of mind of those who ar subjects of a monarch who claims to rule by divine right. A more startling phase is that, on May 6, 1776, four years after this petition was presented, Virginia, by a convention, adopted a series of resolutions declaring the abrogation of the power of George III, and, anticipating the phraseology of the Declaration of Independence in many respects, asserted that rulers ar the servants of the people,

that the source of civil power is primarily in the people, by natural right, that religion is a matter of reason and conviction, and that no specific dogma can be establisht by law. Note, also, that the profit of the slave-trade is held to accru solely to persons "in Great Britain," whose interests found no response in the colonies. It is certain that if any considerable part of the inhabitants of the colony had then profited by the system, the petition would not hav been adopted unanimously, indeed, bearing in mind how the capitalistic portion of the community often compromises among its own members for the purpose of exploiting the proletariat, it is possible that the petition would hav been deemed "inexpedient" by a sufficient number of the burgesses to prevent its adoption.

If state soverenty had not existed in the early part of the 19th century, the slavery question would hav been dealt with under wholly local conditions. The autonomy of cities and towns would hav developpt antagonistic interests and feelings, and it would hav been impossible to set a whole section of the nation aflame in a few months. Indeed, even with the favorable conditions that this artificial allegiance produced, local influences played a considerable part. Northwestern Virginia refused to accept the ordinance of secession,

and was erected into a separate state; Eastern Tennessee would probably have done the same if it had not been surrounded by districts in sympathy with the secession movement.

The action of the eleven states that withdrew formally from the union was based upon the theory of "compact," that is, that in accepting the Constitution of 1787, each state merely became a partner in an enterprise and reserved the right to terminate its relations when it saw fit. It is not probable that any statesman, however enthusiastic he might be as to the doctrine of state sovereignty, ever tried to work out the problem as to what would become of a state if it should be permitted to withdraw from the union and set itself up as an independent nation. South Carolina, the first to make the formal threat, endeavored in 1832 to secure the co-operation of other states, but failed entirely, though it is likely that this failure was not due so much to the loyalty of other states, as to the fact that the particular grievance of South Carolina—the tariff—was not a serious one elsewhere; the ears of the greater portion of the nation were dulled to the economic woes of slave-owners of the land of the palmetto. That the independent existence of states was not seriously contemplated is shown by the fact that they were no sooner out

of the United States, as far as their own acts could take them, than they united in a confederacy and imposed upon one another definite obligations, essentially national in type. The Confederate States of America, composed of eleven sovereignties, acted as one nation in all important matters. Under the circumstances of their withdrawal from the old Union, they could not consistently deny to each other the right to withdraw from the new. The preamble to the Constitution of the Confederate States specifically declared that each state retained all of its sovereignty. Notwithstanding this, we cannot think that any state would have been quietly permitted to withdraw from the Confederacy during the war, and allow the armed forces of the United States to enter its ports and occupy its territory.

Jefferson Davis, in his speech (Jan. 21, 1861) on retiring from the United States Senate, on the secession of Mississippi, made a point of the distinction between nullification and secession (*Cong. Rec., 2nd Sess., 36th Cong., Pt. 1, 487*):

"I hope none who hear me will confound this expression of mine with the advocacy of the right of a state to remain in the Union and to disregard its Constitutional obligations by nullification. Such is not my theory. Nullification and seces-

sion, so often confounded, ar indeed antagonistic principles. Nullification is the remedy it is sought to apply within the Union, and against an agent of the States. It is only to be justified when the agent has violated Constitutional obligations, and the State, assuming to judge for itself, denies the right of the agent thus to act, and appeals to other States of the Union for a decision, but when the States themselves and the people of the States hav so acted as to convince us that they wil not regard our Constitutional rights, then, and then for the first time, arises the doctrin of secession and its practical application.

"That great man who now reposes with his fathers, who has been so often arraigned for want of fealty to the Union, advocated the doctrin of nullification because it preservd the Union. It was because of his deep-seated attachment to the Union that Mr. Calhoun advocated the doctrin of nullification, which he claimed would giv peace within the limits of the union, and not disturb it
***** Secession belongs to a different class of rights, and is to be justified upon the basis that the States ar soveren. ***** The phrase "to execute the law," as used by General Jackson, was applied to a State refusing to obey the laws and yet remaining in the Union."

The argument seems to be that state soverenty is—to borro a phrase from physics—potential rather than kinetic as long as the state remains in the Union. While one sits in the game, one must obey the rules, but the privilege of cashing chips and withdrawing at any time is conceded to every player. It is not clear to me, however, what Mr. Davis meant in saying that Mr. Calhoun favored nullification in order to prevent secession, unless it is that a state should be permitted to suspend the operation of national laws within its borders if it regarded them as contrary to the provisions of the compact. Such a theory of government would be mere filosofic anarchism. A nation thus constituted would fall to pieces by its own weight.

The nullification acts of South Carolina in 1832 grew out of resistance to tarif acts of Congress. These acts wer offered as revenue measures, but wer, as usual with such legislation, in the interest of certain capitalistic ventures. The statesmen of South Carolina, not misled, formally declared that inasmuch as the acts wer not for the purposes claimed and the revenue derived might be used for purposes not within the scope of constitutional powers, the citizens of their state wer not bound by the legislation and would prevent the collec-

tion of duties within its borders. President Jackson considered these objections at length and demonstrated the untenability of the South Carolina position. His language, quoted a few pages above, is specific upon the point; nullification is on all fours with secession. The Southern statesmen who led the secession movement had the early history of the nation on their side, for, in rebelling, the colonies took the same stand that the eleven states did in seceding, but the arbitration of war determines the opinion of posterity. The American Revolution was the success of patriots; the war between the states was the failure of rebels.

"Treason doth never prosper; what's the reason?
Why, if it prosper, none dare call it treason."

Nothing is more striking in the Constitution of the Confederate States than the positive prohibition of the slave-trade and of the importation of negroes from non-slave-holding states (Art. 1, sec. 9). A specific provision was made giving to the Congress power to prohibit the importation of slaves from any state not a member of the confederacy, or from territory not belonging to it. If one of the slave-holding states should have refused to ratify the Constitution of the confederacy, an interesting complication would have arisen, and probably

the war would have been much shorter. It is unfortunate that, in human history, we can make only one set of experiments; we cannot turn time backward and try out a new lead.

The fact that the government had passed into the hands of the Republican party was known early in November, 1860. The Southern states took immediate steps to sever their connection with the United States, and, as might have been expected, South Carolina was the first, seceding in December.

An examination of the election returns for 1860 indicates that if the concentration of authority in the hands of a few leaders representing arbitrary jurisdictions (states) had not existed, the development of organized opposition to the federal government would have been much more difficult. Four presidential tickets were in the field. Of these, Lincoln and Hamlin stood for the anti-slavery view, although the platform on which they were nominated admitted the right of each state to "order and control its own domestic institutions according to its own judgment exclusively." Breckinridge and Lane represented the extreme Southern principles. The Douglas and Johnson, Bell and Everett tickets were efforts at compromise; the platform of the latter was mere "glittering generalities."

Of the eleven States that afterwards made up the Southern Confederacy, Virginia was the only one that had Republican electors. South Carolina, as usual, chose its electors thru the legislature. When the popular vote from the other ten States is totald (figures obtained from Stanwood's *Hist. of Pres. Elections*), it is found that Breckenridge and Lane had 352,651 votes and the other three tickets 281,058. This is a ratio of 5 to 4. When it is considered that many parts of the South wer in the control of a social and political oligarchy almost as absolute and uncompromising as the overlordship of a feudal fief, and that, in many districts, the election managers may hav returnd the votes as they saw fit, just as the managers of the republican party hav been doing for twenty years in Philadelphia, it is evident that an election by districts, insted of by states, would hav shown much opposition to the views held by the Southern leaders who afterwards entered into the secession movment. Without the fatal system of state autonomy there would hav been no equal representation in the Senate; in fact, in all probability, but one legislativ body would hav been establisht. Such elimination of an artificial method of representation—a sacrifice to a fetish—would hav not only simplified the national government, but hav

led the several states to establish one house as they had in colonial times.

All thru the period of ferment on the slavery and cognate questions that embittered the people of the United States for the half century before the election of Lincoln, a great element of strength of the slave holding power lay in the right of equal representation in the Senate. Under the economic methods that they had chosen to adopt, it was impossible that they should develop diversified industries or receive any considerable share of the European immigration which was building up the nation in such a unique manner. It was fortunate that in the convention to frame the Constitution, the opposition to slavery had sufficient strength to prevent the slave population being represented in ful number. By a compromise, it was counted at three-fifths. If ful representation had been accorded it, the decentralizing elements would hav been materially strengthened in the Lower House, and the extension into the territories of the social and economic conditions that made for state sovereignty would hav been much promoted.

It is not a question here of the moral, economic or ethical relations of slavery or whether the African negro was better off as a slave in a cultured community than as a member of a savage tribe.

It is a question of facts. The population of the United States grew with great rapidity during the early part of the 19th century, while great questions of policy were hotly discussed by the people. The gain in the southern states was largely by the importation and rearing of slaves; that of the northern states and in the new areas thrown open to settlement was by white races from northern Europe. The statistics taken from the U. S. census reports show these facts distinctly.

PROPORTION OF WHITE TO NEGRO POPULATION IN TYPICAL NORTHERN AND SOUTHERN STATES, EXPRESSED IN PERCENTAGE OF THE WHOLE NUMBER AND COMPARED IN TWO CENSUS PERIODS.

	1820		1850	
	WHITE	NEGRO	WHITE	NEGRO
Massachusetts	98.7	1.3	99.1	0.9
New York	97.1	2.9	98.4	1.6
Pennsylvania	96.9	2.9	97.7	2.3
Delaware	76.0	24.0	77.8	22.2
Virginia (Inc. W. Va.) . .	56.6	43.4	62.9	37.1
North Carolina	65.6	34.4	63.6	36.4
South Carolina	47.2	52.8	41.1	58.9
Georgia	50.8	49.2	44.3	55.7
Alabama	66.8	33.2	55.3	44.7
Mississippi	55.9	44.1	48.8	51.2
Louisiana	47.8	51.8	49.3	50.7
Arkansas	88.1	11.7	77.3	22.7
Tennessee	80.4	19.6	75.5	24.5

Slight discrepancies in the totals in some cases are due to small percentages of other races.

It will be seen that in eight of the states that subsequently entered the Southern Confederacy, a marked increase of proportion of negroes occurred, while the states under the influence of the white European immigration diminished their negro percentage, and this in spite of considerable numbers of negroes continually escaping from slavery and locating in the border states. Louisiana is the only typical Southern state that shows a gain in percentage of white inhabitants.

Through the unfortunate theories of state sovereignty, and by reason of the self-consciousness of a few small states, a legislative body had to be formed in which Rhode Island, the area of which is about $\frac{1}{30000}$ th of the contiguous United States, has the same representation as Pennsylvania with an area 35 times as great. Nevada, with a population of 82,000, has the same representation as New York with over 9,000,000. Sixty-five cities of the United States have populations larger than Nevada. These abnormal conditions, due originally to selfish motives, have been perpetuated under the absurd notion that there is something conserving of human liberty in such inequalities.

TARIF LEGISLATION

General Hancock said in 1880 "the tariff is a local issue," for which utterance he was savagely attacked by the beneficiaries of protection and by their dupes. Today, no one who watches the debates in Congress can fail to see the correctness of Hancock's statement. No tariff bill, in fact, has ever come out of the American Congress in which the local issues were not dominant. A protective duty is not an economic error, if we accept the chauvinistic doctrine that finds so much support in this country, namely, that the rest of the world is our oyster which we will open—with the sword, if necessary. A nation that desires to secure all the advantages of situation and progress for itself, desires to develop a diversified industry, that it may be self-reliant when occasion arises, is justified in establishing any imposts and other interferences with commerce from other nations, but while such objects have been the usual pretenses for tariff legislation, the essential influences have been the financial advantage of certain classes of individuals or certain districts of the country. In the present Congress, we see the members from Louisiana, antagonizing free sugar, as they have always done since their State has been growing sugar-yielding plants.

All thru the history of the country, the senatorial oligarchy has been able to prevent progressive legislation and to protect the holders of privilege. The helplessness of our House of Representatives contrasts very strongly with the power of the British House of Commons, which even in days when the rights of the aristocracy were much less in question than today, secured many concessions from the King and Lords. The expedient of attaching advisable legislation to a "Money Act" and compelling the lords to accept the reforms or sacrifice the revenues has been common in British politics, but when, a number of years ago, the Lower House of Congress expressed an intention to use this method to force necessary legislation thru the Senate, a cry of "revolution" was at once raised by those opposed to the legislation contemplated, and those who considered the Senate as the "palladium of our liberties."

It is gratifying to note that the national consciousness of the absurdity of the system of representation for which the Senate stands is at last being awakened, as is shown by the progress of the movement for the election of the senators by popular vote. A complete relegation of the choice to the people will do something towards removing the decentralization for which the Senate stands,

but as long as the theory of state sovereignty obtains, complete reform is impossible. The Senate, after all, is merely an outward, visible sign of an inward, political error and the only satisfactory method of dealing with it will not be to reform it indifferently, but altogether, that is, to destroy it, and to have but one national legislative body, the members of which shall represent individual districts with no state allegiance, nominal or real.

SOCIAL PROBLEMS

When the Constitution was submitted, one of the most serious objections was that it contained nothing formally assuring to the people the liberties of speech, religion, and person that had become so dear to them. Some states, indeed, accepted the document upon condition that a "Bill of Rights" should be provided without unnecessary delay. Under this pressure, eight of the first ten amendments were added before the nation was two years old. Their language is well known to all educated Americans; the text containing probably the most concise and comprehensive code of personal liberty ever given to the world, yet the blighting hand of state sovereignty has been laid upon them, and we are told by lawyers that the declara-

tions apply only to the citizen in his *federal* relations, and that any state is at liberty to deprive its citizens and the citizens of all other states that may be within its borders, of all the rights vouchsafed by the amendments. Thus, Coudert (*Certainty and Justice*, 67) says: "It has been held by 'a long line of authorities, both before and after 'the adoption of the 14th amendment, that the 'so-called bill of rights contained in the first eight 'amendments to the Constitution applied only to 'the federal government and did not limit the 'power of the States.'"

A state can abridge any freedom, and in 1854 it was held that the first amendment does not prevent a state from abridging the freedom of religion. Pennsylvania has just enacted a law of this type, namely, requiring ten verses of the Bible to be read at the opening of every school conducted by the State. This is manifestly setting up a system of teaching religious dogma, since, for instance, it compels a Jewish student to listen to the denunciation of Jews expressed in certain parts of the New Testament. Such an act could never have been put through the National Legislature.

In the early days of the Union, many restrictions on the liberty of citizens were to be found in the several States. In some the right to vote and hold

offis was given only to those professing Christianity; indeed, in some, the rights wer limited to those professing certain phases of that religion. It was not until 1825 that Maryland removed civil disabilities from Jews.

Thus it appears that, under the baleful influense of the theory of state soverenty, the rights for which the people of several states so strongly contended when the Constitution was submitted, and in response to which demands the eight amendements wer made, ar not guaranteed to any one living in an organized state. It follows, therefore, that, as the natural evolution of territory within the jurisdiction of the United States is from the so-called "territorial" government, in which the area is directly under federal jurisdiction, to sovereen statehood, the residents of unorganized areas ar more secure in their persons, property and opinions than those in organized communities. Surely, here is a reduction to absurdity as definit as any in Euclid.

The danger is all the greater in view of the recent tendencies of the United States Supreme Court. In one of its early decisions—the Dartmouth College case—the effect was to restrict state action, but since then a line of decisions tending to increase the authority of what is called the

"police power" confers upon the voters of each state, thru their legislature, entire control over the liberties of the residents of the state whether citizens or not.

It is, however, not merely in the taking away of liberties that the exaggeration of state authority has its dangers, but in interfering with many phases of advancement. The advances in scientific methods in all phases of life hav necessitated many public works that cannot be carried out by governments that control only limited jurisdictions, especially when not determind by natural boundaries. At the founding of the Union, some of these matters wer fully in evidence and the states had to concede to the federal government the entire control. Among these were the post-office, the mint, the treaty-power, the war power, the control of interstate navigable streams, the protection of American citizens and property on the high seas.

Many problems, however, that now bulk largely in management of government wer then either non-existent or so trifling as to escape attention. When abundance of land is open to settlement on liberal terms, and when forests and streams ar practically free to all, most of the necessities of life can be secured easily and cheaply. The Atlantic slope is wel-watered. Every one of the thirteen colonies

had at least one good harbor and some of them several. Large streams navigable for deep draft vessels far above the point of contamination with sea-water furnisht fresh surface water; the abundant rainfall, with the large extent of fairly level, porous, soil, diminishing the run-off, gave enormous supplies of subsoil water, mostly of excellent quality. It was many years before even the most rapidly growing areas began to feel the need of artificial purification of water-supply, and it is only within the past few years that the further problem of the purification of sewage has loomed largely in public helth administration.

In the questions of forest preservation, reclamation of waste lands, irrigation, preservation of purity of streams, protection of drainage areas, purification of sewage, state lines must be ignored. Even in the weather prognostications these artificial distinctions ar ignored. What kind of a service would we hav if the collection and interpretation of data wer left to state authorities? I might go on at great length enumerating the matters of public import that can be properly administered only by the national government. Quarantin may be taken as one of these. Originally a purely local service, it past into state control in the administration of the several ports, but has of late

been passing into the hands of the national government. This latter has much greater facilities for carrying out the work. Thru its wel-organized Marine Hospital service, with strict disciplin and in touch with the consular agents of the United States in all parts of the world, it can determin much more quikly and better than any state authority could do the precautions necessary to prevent the entrance of contagius diseases thru commercial intercourse. So completely is this recognized that the quarantin authorities of the several states ar lookt upon as little more than perfunctory, indeed, there can be no dout that they would be abolisht wer it not for the political patronage that the appointment means to the politicians and the revenue that it gives to favorites. Pennsylvania, in this way, maintains at great expense a quarantin station on the Delaware river, tho the station maintained by the United States is ample for all protection. To abandon the Pennsylvania station would, however, be to yield some of the so-called "dignity" of an independent Commonwealth, and besides to cut out some rills of patronage possest by the governor of the state.

The difficulties in securing labor legislation, especially laws relating to the labor of women and

children, ar greatly increast by the multiplicity of governments. The Constitution of the United States puts the whole country under one economic system, as far as regards fundamental principles of business. No state has any advantages, other than those that arise from natural conditions or the enterprise of its inhabitants. It is not to be denied that at the time of the adoption of the instrument an economic advantage was indirectly conceded to certain states, but the right to hold slaves was not denied to any part of the union. Local conditions made the slave-holding states almost entirely non-competitiv with the non-slave-holding. The former wer devoted to lines of agriculture that had no value in the north, had no important manufactures, and only moderate commercial activity. If the South had early developt great industries, such as iron and steel products and textiles, ship-building, mining, or activ commercial enterprises, the north would hav promptly felt the competition and would hav either also resorted to slave labor or hav insisted upon some compensating condition. Indeed, it is very likely that had such competition been manifested at the time of the revolution, even the loose union then formed would hav been impossible. Had England left the colonies to their own economic control,

allowing them to develop freely trade, manufactures and mining, and imposing only a reasonable levy of taxes for support of the empire, nothing would hav been heard of the Declaration of Independence. Our forefathers would hav borne with a good deal of sentimental tyranny if they had been left free to exploit the riches of the new country.

The boundaries of most states ar purely arbitrary, but in the case of the original colonies, the number was determind by peculiar natural conditions. On examining the map of the Atlantic slope an abundance of good harbors will be noted. Hence, the several colonizing expeditions found opportunities to locate at many points along the coast and wer able to start independent foci, a condition all the more desirable in view of the fact that the different parties wer more or less hostile. The Quakers who came with Penn would surely not hav been welcome in Boston harbor; the Roman catholics who came with Lord Baltimore would not hav found comfort in Virginia. To each one of the original thirteen states there is convenient entrance from the sea. New Hampshire has Portsmouth; Massachusetts, its bay; Rhode Island and Connecticut, the harbors on the great sound; New York, its bay; Pennsylvania, New Jersey and Del-

aware, a great bay and river; Maryland and Virginia also the abundant harbors of the Chesapeake; North Carolina, Wilmington; South Carolina, Charleston harbor; Georgia, the harbor of Savannah. Had the territory further south been settled or acquired by English people, another independent sovereignty would have been established, for Florida has several good harbors. There might then have been fourteen states, Pennsylvania would not have been the middle one, and its title, "Keystone State," would have been unknown to history. The significance of these geographic conditions is emphasized if we compare the Atlantic with the Pacific slope. On the latter, few harbors exist. Within the limits of the isotherms—or perhaps one might better say, isoclines—acceptable to inhabitants of western Europe, there are but three good harbors that can be entered directly from the ocean. If such had been the configuration of the Atlantic coast, it is probable that but three or four independent colonies would have been formed and much of the sentimental side of the revolutionary movement would have been changed.

THE UNWISDOM OF STATE SOVEREIGNTY SHOWN BY THE TENDENCIES OF NATIONAL LEGIS- LATION

From the beginning of the administration of Washington to the present, the evolution in policy has been unbroken, tending to the suppression of state sovereignty and the increase of the functions of the national government. For a long while this movement was retarded by the slave-power. The beneficiaries of this system saw clearly that state sovereignty was essential to its maintenance. Nor was the support of the system limited to slaveholders or their immediate co-citizens. Many persons in the non-slaveholding states derived profit from the smuggling of slaves, secretly favored the traffic, and openly defended the institution as *necessary* to the development of the Southern States. Not a few prominent merchants of the commercial centers north of Mason and Dixon's line owed a large part of their fortunes to slave-handling. There is ground for the view that from such a source was derived part of the endowment of a certain charitable institution, the founder of which was known as an owner of slaves, and who, in the directions for the administration of the trust, specifically limited it to "white" children.

The war between the states was a desperate

appeal to the principle of state-autonomy in its greatest range. The failure of the Southern Confederacy is held by many to have settled forever the right of secession. This, as remarked in an earlier part of this essay, is an error. War never settles anything except when it exterminates one of the parties, but slavery was destroyed and with it went a great deal of the passion for "state rights" that characterized the speeches of statesmen North and South in the period "befoh de wah." After the turmoil of the reconstruction period, an era of nationalization set in that has continued to the present day and shows no signs of abating. The war itself necessarily did much to develop national power. The national-banking act was an important step in this direction. Those of us who recollect the confusion, uncertainty and fraud growing out of the power given by the several states to incorporate banks of issue, can realize the benefit conferred by the national legislation that wiped out, by the simple resort to the taxing power, all these institutions. If it was not for the fact that most of us feel that party platforms are made to "get of and on by, and not to stand on," we might be alarmed by the occasional silly declarations of the Democratic party in convention in favor of the repeal of the tax on state banks of issue. The

declaration in its last national convention (1912) that the levying of duties on imported articles, except for revenue, is a state and not a national power, is of the same type as the state-bank policy. Fortunately there is no likelihood that, tho the party is in full power, it will even pretend to carry out the plank.

Among the important steps towards nationalization that have been taken of late years may be mentioned the federal food law, the work of the Interstate Commerce Commission, and of the Geological Survey. The maps issued by the last named are delimited by lines of longitude and latitude and ignore state boundaries. Thus the maps respectively of the New York and Philadelphia districts include considerable portions of New Jersey, for the territory included in Camden and Burlington counties is as much tributary to Philadelphia as is that of Montgomery and Delaware counties; Jersey City is as much a part of New York as is Brooklyn or the territory on Staten Island.

PUBLIC HEALTH QUESTIONS.—Progress in sanitary science has been one of the most striking features of recent years. Not that methods of public and private hygiene have not been regarded formerly, for even the ancients gave much atten-

tion to both phases, but the modern progress has been along more exact lines than our forefathers were able to utilize. The discoveries in bacteriology and pathology, the authoritative collection of morbidity and mortality statistics, and the extensive intercommunication between nations have tended to inform us of the manner and method of propagation of disease. The advance in knowledge of remedies and disinfectants has greatly increased the power of restricting contagion and infection, and diminishing the mortality of many diseases. Now bacteria, whether carried in air, water, food, clothing, or bodies of animals, have no respect for political boundaries, and scarcely any for natural boundaries. Hence, the control of an epidemic is a national not a state matter. Indeed, in many cases it is an *international* matter, and nations that have no particular attachment for each other have been obliged to make agreements for mutual action in dealing with certain diseases.

It is not surprising, therefore, that we find a growing interest in the establishment of a national health department. The fetish of "individualism" has operated in a peculiar manner, for it has kept the human resident of the United States a prey to many dangers to life and health, and has permitted all other living creatures, animal and plant, to be

protected. The national government has for years had the duty of investigating and controlling the diseases of domestic animals and valuable plants.

Nor has the nation's care been limited to the animals and plants naturally existing in a given region, or introduced with settlers; advantage has been taken of the great variety in climate and soil in the United States, and plants from other climes have been successfully introduced. The efforts of state administrations have usually been to waste many natural resources; the national efforts to conserve. At the present time the "land grabbers" who are trying to interfere with the great conservation methods of the national government find one of their best means is to have forest and other reservations returned to state control, making the pretense that this is giving these areas and deposits "back to the people," whereas it is really giving them to the exploiters and speculators.

The administration of the laws for the protection of domestic animals and useful plants has been almost wholly satisfactory and been of great financial benefit. Some friction between state and national officials has occurred, but as a rule the state authorities work in harmony with the central bureaus. When, however, we come to laws affecting human beings, the harmfulness of state auton-

omy is seen in every direction. Regulation of practise of medicin, dentistry and pharmacy, restriction of hours and control of condition of work by wage-earners, especially women and children, prevention of spread of contagious diseases—all these important problems must be solved, we are told, under the theory that they are affairs of the individual state. The absurdity of this view is well shown by the existing conditions in the regulation of the practise of medicin. Over a quarter of a century ago it was recognized that the methods of American medical colleges were highly objectionable. Students were admitted without any conditions and graduated without sufficient examination. In fact, most American medical schools were little more than business enterprises; the main object of the professors was to make money. By the efforts of some reformers within the profession, public interest was aroused and systems of official control were slowly developed until today most states have a method of ascertaining the qualifications of those who wish to practise medicine within their borders. Similar evolution has occurred with regard to dentistry and pharmacy, although perhaps not yet as extensive or thorough as in the medical field. The public and professional benefit from these controls is much limited by the complicated admin-

istration of them. Each state must have its board of examination and licensure, in some cases a separate board for each of the sects of medicine. A person may have permission to practise in one state and be denied the same in the adjacent states, hence, the absurd condition may arise that a doctor may be allowed to visit patients on one side of the street but not on the other, if, as occasionally happens, the town is located on a state boundary. One system of education should be set up for all medical, dental and pharmacy schools in the United States; one standard of examination should be established and carried out by national authority, and the certificate issued under this should be valid wherever the flag flies. As often happens when state sovereignty interferes seriously, some abatement of its effect has been secured in these matters through reciprocity, but many absurd and anomalous conditions still exist, and in some cases special regulations have been made which seem to have at base the desire to force all who wish to practise in the given state to attend educational institutions in that state, *i. e.*, encouraging home talent as far as possible.

Edward Gibbon says that our ears are cold to the recital of distant misery and, similarly, most persons are indifferent to these woes afflicting the

learned professions, but along certain lines the evil is widely appreciated. Concerning the necessity for uniformity in laws governing marriage, divorce, the duties of parents and the rights of children, public feeling is gradually arousing, tho its present condition on these topics in this country is a disgrace to our civilization. Pennsylvania has just adopted a law authorizing the refusal of a marriage license to persons afflicted with certain diseases, but, unfortunately, many other states hav not this law, and, therefore, all that will be necessary if defectives wish to marry will be a short trip into some adjoining state. A national law that would provide that no marriage would be valid in the United States or any place subject to their jurisdiction, when either of the parties is a citizen of the United States at the time of the marriage, unless certain physical and mental conditions wer met, would satisfy the hygienic requirements of the case.

The facility of divorce is a great scandal, made more so by the fact that some states hav, merely for the money that accrues to functionaries and lawyers, made divorce very easy. The decrees of some states ar easily disregarded by the simple expedient of remaining in some other state for a sufficient time to acquire a so-called "residence." One of the parties in a divorce suit may be pro-

hibited from marrying a co-respondent during the life of the other party, but as such decree is valid only within the boundary of the state in which it is issued, the inhibited party can easily defy the rule.

METHODS OF NATIONAL ADMINISTRATION

As the spirit of this essay may be regarded by many as essentially destructive, it is, perhaps, but fair that I should set forth some plan for the administration of the territory of the United States, when the subdivisions now termed "States" are effaced. Many persons, indeed, who might favor the obliteration of state lines and the abolition of state sovereignty, will hesitate because of the fear that so vast a country cannot be satisfactorily governed except by a system of almost independent units. Yet it must be borne in mind that the Russian Empire is ruled as a whole, and if it be said that Russia is badly ruled, the reply is that such bad government is only the outcome of the ignorance, bigotry, brutality, and extraordinary development of privilege, making Russia a barbarian power, in spite of the veneer of civilization and culture of some of its great cities and in certain circles of its population.

Under the form of national government that I

advocate it seems to me that several radical changes can be made with advantage.

(1) One congressional body. The Senate was merely a concession to the petty ambitions of a few small states. Inasmuch as a constitutional amendment has now made senators directly elected by the people, even the nominal distinction between them and representatives has disappeared, and there is no use for the "Social Club" which is principally concerned in thwarting the wishes of the people as expressed in the other House. Members of Congress may be elected every two years, from districts constituted in the main as at present, the ratio being, of course, increased as the population increases in order to prevent the house from becoming too unwieldy. Members should be elected in November, and take their seats as soon after January 1st as practicable, the new Congress meeting at that time. Proportional representation might be established, however, which would probably give much better government, but this is a detail that need not be considered here. (2) As at present, the country should be divided into administrative districts for administration of laws, collection of revenue, control of conservation of natural resources, and other matters which the national government will be obliged to take over,

many of which, indeed, it is now taking over, in spite of state sovereignty, such as quarantine, road construction and irrigation. Such administrative districts would follow natural lines of division, not as at present, accidental or artificial ones. Thus, the district of which New York in the dominating focus would include considerable territory in northern New Jersey; that in which Philadelphia is dominant point would also include territory in New Jersey. (3) Over the whole nation would be in operation uniform laws as to hours of labor, labor of women and children, conditions of marriage and divorce, methods of transfer of property, collection of debts and taxation of incomes, inheritances and businesses. A system of incorporation of cities by the national government should be provided, and, of course, the existing incorporations of cities would be maintained. To such incorporated area would be reserved all powers of establishing schools, regulation of liquor traffic, Sunday laws, and other matters that belong to the initiative of the people rather than to that of the national government. Thus, while the national government might prescribe the racial and bodily conditions necessary to a legal marriage (as some states have done), it should not prescribe the ceremonies, except to authorize certain officials to perform the ceremony

as a purely civil contract or to allow, as in Pennsylvania, a valid marriage by merely public proclamation by the parties. (4) The national system would, of course,—and this will be one of its great advantages—increase the function of local self-government, relegating to the individual communities many powers and duties belonging to state governments and often very badly administered by these. Witness the difficulty that Philadelphia has had lately in carrying out its ambitions for better thoroughfares, better port facilities and management of its debt and local taxation.

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